

REMARKS and ARGUMENT

This paper is in response to the fourth Office Action, which was mailed September 17, 2003 with regard to the above-identified application. This response is being filed within the second month following the three-month period set for reply in the Office Action. A request for an extension of time and a check to cover the associated fee are submitted herewith. Authorization is provided to charge any additional fee associated with this response, or to credit any over-payment, to Deposit Account No. 50-0573.

Claims 4-6, 10-12 and 14-20 are pending in the application. The Examiner's indication that claims 10, 14, 17 and 20 would be allowable if rewritten in independent form is noted with appreciation. Those claims have been so rewritten, with the additional amendments described below. Independent claims 3, 7, 13 and 21 have been cancelled to expedite the allowance of the present application, and without prejudice to re-presenting those claims in a continuing application.

Claims 10 and 20 have been rewritten to recite the elements of cancelled independent claim 7, except that the term "potassium permanganate as a crystalline powder", which was added to claim 7 in response to the third Office Action, has been changed back to the broader term "a chemical oxidizing agent", which claim 7 recited prior to the third Office Action. Applicant notes the basis for rejection of claim 7 in the last full paragraph of page 10 in the fourth Office Action, as well as the reasons for the allowability of claims 10 and 20 on page 13. Although the Applicant takes no position at this time on the merits of those reasons, it is believed that the element "potassium permanganate as a crystalline powder" did not factor heavily, if at all, in the deemed allowability of claims 10 and 20. Therefore, it is believed that the removal of that element should not effect the allowability of the claims.

The phrase "before introducing a chemical oxidizing agent into the soil" has also been removed from claim 10. The phrase was part of the description as to when the step of injecting hot air is continued. Because in making claim 10 independent the elements of cancelled claim 7 have been incorporated in their proper order, it is believed that the claim is clear as to when the step is performed, without need for the deleted phrase. Moreover, in light of the words "in

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sequence” in line 3, it is believed that the now deleted phrase would be repetitive if left in the amended claim.

Claim 14 has been rewritten to recite the elements of cancelled claim 13, from which claim 14 previously depended. In addition, the phrase “step of treating the contaminated soil in situ by a” has been removed from claim 14. It is believed that the deleted phrase is no longer needed due to the literal recitations incorporated from claim 13.

Claim 17 has been rewritten to include all of the elements of claim 3. The phrase “as it is being churned to thermally strip organic compounds”, which described the injection of hot air into the soil in claim 17, has been removed. It is believed that the deleted phrase would be repetitive if left in claim 17 as rewritten.

Dependent claims 4-6, 11, 12, 15, 18 and 19 have been amended so as to depend from one of allowable claims discussed above.

It is believed that the pending claims are patentable over the cited prior art. Therefore, it is respectfully requested that the present rejections and objections be reconsidered and withdrawn. If direct communication will expedite the allowance of the application, the Examiner is invited to telephone the undersigned attorney for Applicant.

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